

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JANE DOE, et al.,  
Plaintiffs,

v.

SANTA CLARA COUNTY  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, et al.,  
Defendants.

Case No. 22-cv-04948-JSW

**FURTHER ORDER TO SHOW CAUSE  
TO PLAINTIFFS REGARDING  
UNSERVED DEFENDANTS**

Re: Dkt. No. 27

On April 21, 2023, this Court ordered Plaintiffs to show cause why it should not dismiss their claims against Defendants Clark and Hernandez for failure to serve pursuant to Federal Rule of Civil Procedure 4(m). Plaintiffs filed a response on May 1, 2023.

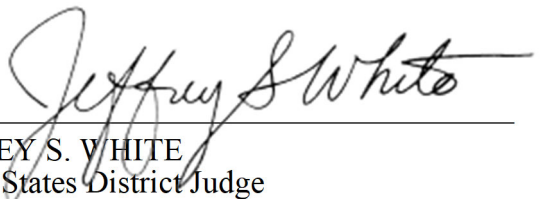
Plaintiffs represent that Defendant Marissa Clark was served on September 22, 2022, and attach a proof of service. The time for Clark to answer the complaint has long passed, and she has not responded to the complaint or otherwise appeared in this action, nor have Plaintiffs moved for entry of default. Accordingly, by June 2, 2023, Plaintiff must move for entry of default as to Clark or show cause in writing why this action should be dismissed against Clark for failure to prosecute. Failure to do so will result in the action being dismissed against Clark for failure to prosecute. Within thirty days of any entry of default against Clark, Plaintiffs must move for default judgment. If Plaintiffs fail to do so, Clark will be dismissed without prejudice for failure to prosecute.

As to Defendant Brian Hernandez, Plaintiffs represent that they have been unable to serve Hernandez. Counsel's declaration indicates that the most recent service attempt occurred on September 27, 2022. Counsel provides no indication of when service might occur, and counsel

1 has not requested additional time to serve Hernandez. Plaintiffs have not shown good cause for  
2 the failure to serve Hernandez within the deadlines established by Rule 4(m). The Court  
3 HEREBY ORDERS Plaintiffs to either file a proof of service establishing service on Hernandez  
4 or show cause in writing why this action should not be dismissed for failure to prosecute against  
5 Hernandez by no later than June 2, 2023. Failure to do either will result in the dismissal of  
6 Hernandez without prejudice for failure to prosecute.

7 **IT IS SO ORDERED.**

8 Dated: May 18, 2023

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11 JEFFREY S. WHITE  
12 United States District Judge  
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